

REMARKS

Reconsideration of the above identified patent application is hereby respectfully requested in view of the foregoing amendments and following remarks.

Considerable effort has been made to present the original numbering and the current status of all claims pursuant to the Examiner's request that is consistent with the filing of the Divisional Application, as described in the Notice of Non-Compliant Amendment. If there remains any discrepancy, it is entirely inadvertent.

If the Examiner should find any remaining discrepancy, the Examiner is respectfully requested to correct any remaining discrepancy in either the numbering of the claims or the indication of their status, as presented in this supplemental amendment, by Examiner's amendment in the next Office Action.

Claim 18 has also been amended to correct one error in antecedent basis. Claims 16-23 and 29 remain in the case.

Claims 1-19 were rejected under the doctrine of obviousness-type double patenting in the previous Office


Action over claims 1-18 of Patent 6,651,944. As there are only nine (9) remaining claims, it was believed that a typographical error occurred. It is also noted that the Detailed Action from the prior Office Action included a typographical error in the serial number, as the last three digits should be "241", not "124".

Three copies of the previously signed terminal disclaimer that was previously submitted with the last amendment are enclosed. Payment thereof occurred with the last amendment. Accordingly, the Double Patenting Rejection is believed to be overcome and reconsideration is respectfully requested of remaining claims 16-23 and 29.

As no other basis of rejection was cited, and as all remaining claims 16-23 and 29 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest time.

The applicant appreciates the opportunity to communicate by telephone with the Examiner, if necessary. Please continue to direct all correspondence to the correspondence address and telephone as shown below.

Respectfully submitted,

 11/29/2004

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1-415-457-6933



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)

COLEMAN-DIV

In re Application of:

Coleman, David Harold

Application No.:

10/671, 241

Filed:

09/24/2003

For:

TRIPOD STABILIZER + LIGHTED LENS CAROUSEL

The owner: David Harold Coleman, of 100

percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,651,944 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,055

Signature

10/28/2004
Date

RISTO A. RINNE, JR.

Typed or printed name

415 457-6933
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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